

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/734,494
Applicants: Muller et al.
Filing Date: December 12, 2003
Art Unit: 2451
Examiner: Khanna, Madhu
Confirmation No.: 1618
Title: Method for Managing Interruptions to a Network User

Commissioner for Patents
Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

In response to the Office Action, dated December 24, 2008, rejecting pending claims 1 and 4-10, and in support of the Notice of Appeal received by the U.S. Patent and Trademark Office on March 19, 2009, Appellants hereby submit this Appeal Brief to the Board of Patent Appeals and Interferences. Authorization is herein granted to apply the \$540.00 requisite fee set forth in 37 C.F.R. §41.20(b)(2), and any other fees or credits due in this case to Deposit Account No. 122158. Appellants respectfully request reconsideration and reversal of the Examiner's rejections of the pending claims.

TABLE OF CONTENTS

Real Party in Interest	3
Related Appeals and Interferences	3
Status of Claims	3
Status of Amendments	3
Summary of Claimed Subject Matter	4
Grounds of Rejection to be Reviewed on Appeal	5
Argument	6-10
Claims Appendix	11-14
Evidence Appendix	15
Related Proceedings Appendix	15

REAL PARTY IN INTEREST

The Real Party in Interest is International Business Machines Corporation, the owner of all rights of this patent application by virtue of an assignment recorded at reel and frame number 014799/0047.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

The patent application as originally filed included claims 1-33. Claims 1, 11, 26 and 27 were amended and claims 19-25 were canceled in an Amendment and Response dated January 7, 2008 in response to a non-final Office Action mailed October 26, 2007. Claim 1 was amended and claims 2, 3, 11-18 and 26-33 were canceled in an Amendment and Response dated June 18, 2008 in response to a final Office Action mailed April 7, 2008. A Request for Reconsideration in which no claim amendments were made was filed October 14, 2008 in response to a non-final Office Action mailed July 21, 2008. The final Office Action mailed December 24, 2008 rejects claims 1 and 4-10. Claims 1 and 4-10 remain pending in the application and the subject of this appeal.

STATUS OF AMENDMENTS

No amendments or other forms of response have been filed subsequent to the mailing of the final Office Action mailed December 24, 2008.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1

Appellants' invention, as recited in independent claim 1, features a method for managing interruptions to a network user. The interruptions are generated by senders 14' on a network 18 and the network user 14'' has a permanent reception list. See FIG. 1; page 5, lines 9-15; and page 6, line 13 to page 7, line 9. The method includes modifying a temporary reception list (page 7, lines 10-17) in response to at least one of a determination of an occurrence of a retrospective activity in a user-defined time period and a determination of a prospective activity scheduled to occur in a user-defined time period. See, e.g., FIG. 2, steps 104, 108, 112 and 116; and page 7, line 18 to page 8, line 4. The retrospective and prospective activities are activities that are independent of communications having simultaneous participation between the network user and another network user. See, e.g., page 7, line 18 to page 8, line 4, describing emails, calendar events and "to do" list items as opposed, for example, to instant messaging communications. The permanent reception list and temporary reception list each indicate at least one sender from whom the network user is willing to accept an interruption. See page 6, lines 13-20. The method also includes receiving an interruption from one of the senders on the network and presenting the interruption to the network user if one of the permanent reception list and the temporary reception list includes an entry associated with the one of the senders on the network. See, e.g., page 6, lines 15-17.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The Office Action issued the following rejections:

- I. Claims 1 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765.
- II. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Pre-Grant Publication No. 2003/0055908.
- III. Claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Pre-Grant Publication No. 2005/0055405.
- IV. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Patent No. 6,988,128.
- V. Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Patent No. 6,988,128 and U.S. Pre-Grant Publication No. 2004/0068545.

The grounds of rejection to be reviewed on appeal are grounds I, II, III, IV and V as applied to claims 1 and 4-10.

ARGUMENT

Rejection under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765

The final office action rejects claims 1 and 4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 by Roskind (hereinafter “Roskind”) in view of U.S. Pre-Grant Publication No. 2003/0222765 by Curbow et al. (hereinafter “Curbow”).

By way of background, Roskind discloses the personalization of instant messaging session information. A user implements preferences through the use of a “buddy list” so that only certain users are allowed to contact the user. Roskind also discloses that a list of participant identities (the “Recent Contacts” group) can be maintained for participants that engaged in recent messaging sessions with the user.

Claim 1

Appellants’ independent claim 1 relates to a method for managing interruptions to a network user. Claim 1 recites, in part, “modifying a temporary reception list in response to at least one of a determination of an occurrence of a retrospective activity in a user-defined time period and a determination of a prospective activity scheduled to occur in a user-defined time period, the retrospective and prospective activities being activities that are independent of communications having simultaneous participation between the network user and another network user.”

The final Office Action states on page 5 that “Roskind does not disclose a user-defined time period for the retrospective and prospective activities, or that the retrospective and prospective activities are activities that are independent of communications having simultaneous participation between the network user and another network user.” The Office Action further states that “Curbow teaches an activity (e.g. meeting) to occur in a user-defined (preselected rules set or preferences) time period (the meeting time compared to the present time, [0017]), the retrospective and prospective activities being activities that are independent of communications

having simultaneous participation between the network user and another network user (if an upcoming event is present in the user's calendar or database, [0016])."

Appellants respectfully disagree with the statements identified in the preceding paragraph. Curbow teaches determining an upcoming event in a user's calendar or application database and using the determined event to scan emails to find potential emails for notification. The emails are further examined according to a user's selected set of rules to determine whether the emails found in this first step qualify for user notification. (See, e.g., paragraphs [0016] and [0017].) Curbow explicitly shows that the user selected rules (130 rules engine in FIG. 1) are distinct from the scanning step (105 in FIG. 1). In particular, even if upcoming events are determined from the user's calendar or application database, the determined events alone do not result in a modification or alert being provided to the user. Regardless of this distinction, Curbow does not teach notification of particular emails based on upcoming events but rather relies on a subsequent step applying the user selected rules to any initially-identified emails to determine the final emails for notification.

Regardless of the above argument, Curbow does not teach or suggest that any determined upcoming events could be used to modify existing lists of network users such as Appellants' recited temporary reception list. Appellants address the statements in the Response to Arguments section on page 2 of the final Office Action that "Curbow's invention addresses the issue that a user will most likely be concerned with currently pending calendar events. This is true regardless if the user is utilizing an e-mail system or an instant messaging system, as they comprise the similar feature of immediate communication over a network between users." Appellants' respectfully point out that e-mail in general is not an immediate communication between users. Emails can be sent at any time and remain available to be read in many instances hours or even days after they are sent. Curbow's invention is intended to solve a problem that is opposite in nature to the problem solved by Appellants' invention as recited in claim 1. More specifically, Curbow alerts a user to email communications that may be important when the user otherwise may not be aware of its importance. In contrast, Appellants' invention, as recited in claim 1, solves the problem of how to manage an overwhelming number of interruptions from immediate communications to a user by preventing less important interruptions from reaching the user. Thus one would not be motivated to combine Curbow's compound screening technique

for identifying emails for notification and alert with Roskind to achieve Appellants' recited method which includes modifying a temporary reception list where the temporary reception list indicates "at least one sender from whom the network user is willing to accept an interruption."

For at least the reasons set forth above, Appellants respectfully submit that Roskind and Curbow, either alone or in combination, do not teach or suggest all the limitations recited in claim 1 and therefore that claim 1 is allowable over the cited references.

Claim 4

Claim 4 depends from allowable claim 1 and incorporates all of the limitations of claim 1. Thus claim 4 is allowable over the cited references for at least the reasons provided above with respect to claim 1.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Pre-Grant Publication No. 2003/0055908

The final office action rejects claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Roskind in view of Curbow and in further view of U.S. Pre-Grant Publication No. 2003/0055908 by Brown et al. (hereinafter "Brown").

Claim 5

Claim 5 depends from allowable claim 1 and incorporates all of the limitations of claim 1. Thus claim 5 is allowable over the cited references for at least the reasons provided above with respect to claim 1.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Pre-Grant Publication No. 2005/0055405

The final Office Action rejects claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Roskind in view of Curbow and in further view of U.S. Pre-Grant Publication No. 2005/0055405 by Kaminsky et al. (hereinafter “Kaminsky”).

Claims 7 and 10

Claims 7 and 10 depend directly or indirectly from allowable claim 1 and incorporate all of the limitations of claim 1. Thus claims 7 and 10 are allowable over the cited references for at least the reasons provided above with respect to claim 1.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Patent No. 6,988,128

The final Office Action rejects claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Roskind in view of Curbow and in further view of U.S. Patent No. 6,988,128 to Alexander et al. (hereinafter “Alexander”).

Claim 6

Claim 6 depends from allowable claim 1 and incorporates all of the limitations of claim 1. Thus claim 6 is allowable over the cited references for at least the reasons provided above with respect to claim 1.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0065721 in view of U.S. Pre-Grant Publication No. 2003/0222765 and in further view of U.S. Patent No. 6,988,128 and U.S. Pre-Grant Publication No. 2004/0068545

The final Office Action rejects claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Roskind in view of Curbow and in further view of Alexander and U.S. Pre-Grant Publication No. 2004/0068545 by Daniell et al. (hereinafter “Daniell”).

Claims 8 and 9

Claims 8 and 9 depend indirectly from allowable claim 1 and incorporate all of the limitations of claim 1. Thus claims 8 and 9 are allowable over the cited references for at least the reasons provided above with respect to claim 1.

CONCLUSION

In view of the arguments made herein, Appellants submit that the application is in condition for allowance.

Respectfully submitted,

Date: May 11, 2009
Reg. No. 41,047

Tel. No.: (508) 303-2003
Fax No.: (508) 303-0005

/William G. Guerin/
William G. Guerin
Attorney for Appellants
Guerin & Rodriguez, LLP
5 Mount Royal Avenue
Marlborough, MA 01752

CLAIMS APPENDIX

1. A method for managing interruptions to a network user, the interruptions being generated by a plurality of senders on a network, the network user having a permanent reception list the method comprising:

modifying a temporary reception list in response to at least one of a determination of an occurrence of a retrospective activity in a user-defined time period and a determination of a prospective activity scheduled to occur in a user-defined time period, the retrospective and prospective activities being activities that are independent of communications having simultaneous participation between the network user and another network user, the permanent reception list and temporary reception list each indicating at least one sender from whom the network user is willing to accept an interruption;

receiving an interruption from one of the senders on the network; and

presenting the interruption to the network user if one of the permanent reception list and the temporary reception list includes an entry associated with the one of the senders on the network.

2. (Canceled)

3. (Canceled)

4. The method of claim 1 wherein the retrospective and prospective activities comprise calendar-based entries established by the user.

5. The method of claim 1 wherein the step of presenting the interruption further comprises:
receiving an urgency value associated with the interruption;
comparing the urgency value with an interruption threshold value defined by the network user; and
presenting the interruption to the network user if the urgency value exceeds the threshold value.
6. The method of claim 1 further comprising:
receiving a user status request from one of the senders;
generating a generic status message if the permanent reception list and the temporary reception list do not include an entry associated with the sender of the user status request; and
generating a customized status message if one of the permanent reception list and the temporary reception list includes an entry associated with the sender of the user status request.
7. The method of claim 1 wherein presenting the interruption comprises presenting an alert to the network user if one of the permanent reception list and the temporary reception list includes an entry associated with the one of the senders.
8. The method of claim 7, wherein the alert comprises a signal that an interruption has been requested, and at least one portion of an initial message from one of the senders and an identification of the at least one of the senders is stored in a table for inspection by the user.
9. The method of claim 7, wherein the alert comprises at least one of a portion of an initial message from the one of the senders and an identification of the one of the senders.

10. The method of claim 7 further comprising providing expanded information for the one of the senders to the network user in response to a user request.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Canceled)

22. (Canceled)

23. (Canceled)

24. (Canceled)

25. (Canceled)
26. (Canceled)
27. (Canceled)
28. (Canceled)
29. (Canceled)
30. (Canceled)
31. (Canceled)
32. (Canceled)
33. (Canceled)

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.